

REMARKS

Introduction

Claims 1-23 remain in the application, of which claims 1, 13 and 17 are independent.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 5, 10, 11, 12 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of U.S. Patent No. 5,668,603 (*Copeland*)¹ and U.S. Patent No. 6,668,246 (*Yeung*).

Claim 1 is directed to a method for distorting a recording of projected images. The method includes the steps of "imposing modulated entities on video content of video source material, the modulated entities being incompatible with the video content," "demodulating the modulated entities, wherein the demodulated entities are compatible with the video content," and "projecting the video content to provide the projected entities."

Copeland describes a system for inserting source identification data into a signal prior to its transmission. Importantly, in the system described by *Copeland*, the "source identification data (Finger Print) is injected into the active picture area of a video signal *without disturbing the viewing of the video signal.*" *Copeland* at Abstract (Emphasis added). "When Fingerprinted Video Signal 34 is projected on a screen or displayed on a video monitor, *the variation in video level due to the insertion is imperceptible to a viewer.* *Id.* at col. 2, lns. 62-64 (Emphasis added).

Yeung describes a content distribution system having multi-level content protection. The content is received at a telephone, cable box, or network computer. *Yeung* at

¹ The Office Action cites U.S. Patent No. 5,668,303, but applicant believes this citation to be a typographical error.

col. 2, lns. 57-59. A portion of the content "may undergo visual/perceptual scrambling, data scrambling, or both types of scrambling schemes." *Id.* at col. 6, lns. 21-23.

Applicants submit that the proposed combination of *Copeland* and *Yeung* is improper at least because *Copeland* teaches away from the combination, and teaches away from the claimed invention. It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983).

As described above, *Copeland* is directed to a system wherein a finger print is injected into an active picture area *without disturbing the viewing of the video signal*. As understood by applicants, a key point of *Copeland* is to provide a system wherein, on the modulated image, a fingerprint is compatible with the video content. Such a teaching is in stark contrast and direct opposition to the claimed invention of the present application, wherein the "modulated entities [are] incompatible with the video content."

Moreover, because a main objective of *Copeland* is a system wherein, "[w]hen Fingerprinted Video Signal 34 is projected on a screen or displayed on a video monitor, *the variation in video level due to the insertion is imperceptible to a viewer*," *Copeland* teaches away from any hypothetical combination of *Copeland* and *Yeung* for the purpose of providing a method such as that recited by claim 1 of the present application, which includes "imposing modulated entities on video content of video source material, the modulated entities being incompatible with the video content," "demodulating the modulated entities, wherein the demodulated entities are compatible with the video content," and "projecting the video content to provide the projected entities."

Thus, for at least these reasons, applicants submit that that the proposed combination of *Copeland* and *Yeung* is improper. Accordingly, applicants submit that the

rejection of claim 1 under 35 U.S.C. § 103(a) has been overcome, and withdrawal of the rejection is requested.

Dependent claims 5, 10, 11, 12 and 23 each ultimately depend from claim 1, and are thus considered to be patentable over the proposed combination of *Copeland* and *Yeung* for the reasons discussed above with respect to the patentability of claim 1. Accordingly, applicants submit that the rejections of claims 5, 10, 11, 12 and 23 under 35 U.S.C. § 103(a) have been overcome, and withdrawal of the rejections is requested.

Claims 2-4 and 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of *Copeland*, *Yeung* and "Video Scrambling and Descrambling for Satellite and Cable TV" (*Graf*).

Claim 2 depends from, and further defines the invention of claim 1, and is thus considered to be patentable over the proposed combination of *Copeland* and *Yeung* for the reasons discussed above with respect to the patentability of claim 1.

Graf is directed to a video scrambling system, but does not cure the deficiencies discussed above with respect to the proposed combination of *Copeland* and *Yeung*.

In addition, the Examiner concedes that any hypothetical combination of *Copeland*, *Yeung* and *Graf* does not teach or suggest "separating the video content into selected colors." For this limitation, the Examiner takes Official Notice.

Applicants traverse the Examiner's assertion of official notice, and submit that the Examiner has not provided evidence of the use of "separating the video content into selected colors" in the context of the invention as a whole as recited in the combination of steps of claim 2 of the present application. This, applicants request that the Examiner provide documentary evidence of the use of "separating the video content into selected colors" in the context of the

invention as a whole as recited in the combination of steps of claim 2 of the present application.

See MPEP § 2144.03(B).

Accordingly, applicants submit that the rejection of claim 2 under 35 U.S.C. § 103(a) has been overcome, and withdrawal of the rejection is requested.

Dependent claims 3, 4 and 6-9 ultimately depend from claim 2 and are thus considered to be patentable over the proposed combination of *Copeland*, *Yeung* and *Graf* at least for the reasons discussed above with respect to the patentability of claim 2. Accordingly, applicants submit that the rejections of claims 3, 4 and 6-9 under 35 U.S.C. § 103(a) have been overcome, and withdrawal of the rejections is requested.

Claims 13-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of *Copeland*, *Yeung* and U.S. Patent No. 5,924,013 (*Guido*)².

Independent claims 13 and 17 recite limitations similar to those discussed above with respect to claim 1. For example, claim 13 recites "modulated entities incompatible with a video content of the video source material," "wherein the projection system demodulates the modulated entities" and "wherein the demodulated entities are compatible with the video content;" and claim 17 recites "video source material having modulated entities incompatible with a content of the video source material" and "a demodulator responsive to the video source material for demodulating the modulated entities" "wherein the demodulated entities are compatible with the content of the video source material."

Accordingly, applicants submit claims 13 and 17 are thus considered to be patentable over the proposed combination of *Copeland* and *Yeung* for at least the reasons discussed above with respect to the patentability of claim 1.

² While *Guido* is cited in the initial rejection, no further mention of the reference, or explanation of its relevance is included in the Office Action.

Guido describes a method for transmitting cinematic information, but does not cure the deficiencies of *Copeland* and *Yeung*. Indeed, the Office Action makes no mention of the relevance of *Guido*.

Accordingly, applicants submit claims 13 and 17 are thus considered to be patentable over the proposed combination of *Copeland*, *Yeung* and *Guido*, and thus, applicant submits that the rejections of claims 13 and 17 under 35 U.S.C. § 103(a) have been overcome, and withdrawal of the rejections is requested.

Claims 14-16 each ultimately depend from claim 13, and are thus considered to be patentable over the proposed combination of *Copeland*, *Yeung* and *Guido* for at least the reasons discussed above with respect to the patentability of claim 13. Accordingly, applicants submit that the rejections of claims 14-16 under 35 U.S.C. § 103(a) have been overcome, and withdrawal of the rejections is requested.

Claims 18, 19, 21 and 22 each ultimately depend from claim 17, and are thus considered to be patentable over the proposed combination of *Copeland*, *Yeung* and *Guido* for at least the reasons discussed above with respect to the patentability of claim 17. Accordingly, applicants submit that the rejections of claims 18, 19, 21 and 22 under 35 U.S.C. § 103(a) have been overcome, and withdrawal of the rejections is requested.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of *Copeland*, *Yeung* and *Graf*.

Claim 20 depends from, and further defines the invention of claim 1, and is thus considered to be patentable over the proposed combination of *Copeland* and *Yeung* for the reasons discussed above with respect to the patentability of claim 1.

Graf is directed to a video scrambling system, but does not cure the deficiencies discussed above with respect to the proposed combination of *Copeland* and *Yeung*.

Accordingly, applicants submit that the rejection of claim 20 under 35 U.S.C. § 103(a) has been overcome, and withdrawal of the rejection is requested.

Thus, applicants submit that each of the claims of the present application are patentable over each of the references of record, either taken alone, or in any proposed hypothetical combination. Accordingly, withdrawal of the rejections to the claims is respectfully requested.

Conclusion

In view of the above remarks, reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

Date: 13 April 2007

/ James Dobrow /
By: James Dobrow
Attorney for Applicant
Registration No. 46,666

Mail all correspondence to:

Docket Administrator
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

Date of Transmission: 13 April 2007

I hereby certify that this correspondence and enumerated documents are being transmitted to the U.S. Patent and Trademark Office on the date of transmission indicated above.

Name: James Dobrow

Signature: / James Dobrow /
